

June 9, 2008
via electronic filing

Ms. Rosa G. Lewis
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: SEIU COPE February Monthly Report (1/01/08-1/31/08)

Dear Ms. Lewis:

In your letter to SEIU COPE, dated May 7, 2008, you ask two questions regarding the above referenced Monthly Report.

The first question relates to refunds reported on Schedule B. These refunds were for amounts previously reported as unitemized contributions on line 11(a)(ii). They were amounts included by mistake with other funds transmitted by a few of our collecting agents that were refunded as soon as the error was detected.

In response to your second question, the expenditures identified for ?fundraising phone bank? were direct solicitation expenses for contributions to be earmarked for the candidate who receives the nomination of the Democratic Party for the office of President of the United States and the Party?s August, 2008 National Nominating Convention. Solicitations for such earmarked contributions were made to members of SEIU?s solicitable class and SEIU COPE served as a conduit for such contributions in accordance with 2 U.S.C. 441a(a)(8); 11 CFR 110.6. SEIU COPE did not exercise any direction or control over the choice of the recipient candidate, which will be the candidate who actually is nominated by the delegates to the August, 2008 Democratic National Convention. Advisory Opinion 2003-23 (We Lead). Members were free to choose whether to earmark their contribution in response to the solicitation. See, e.g., Advisory Opinion 1980-46 (NCPAC).

SEIU COPE properly reported these solicitation expenses on Line 21(b) and Schedule B because they did not constitute in-kind contributions to the recipient candidate. See, Advisory Opinion 2003-23, overruling Advisory Opinion 1980-46. Moreover, since the solicitation was made exclusively to the solicitable class, they did not constitute an independent expenditure under the FEC?s regulations. See, e.g., 11 C.F.R. 114.3. Finally, the solicitation expenses for these earmarked contributions were properly paid by SEIU COPE as a conduit under 11 C.F.R. 110.6 in accordance with 11 C. F. R. 114.3 (f)(3)(ii).

Please feel free to contact me if you have any further questions

Sincerely,

John J. Sullivan
Associate General Counsel
Counsel for Government Affairs